

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

HANY SHALABI,

Plaintiff,

vs.

CITY OF CHICAGO,
a municipal corporation,

Defendant.

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No.: 21-cv-05624

Judge Manish S. Shah
Magistrate Judge Jeffrey Cummings

DEFENDANT’S PARTIAL MOTION TO DISMISS FIRST AMENDED COMPLAINT

Defendant, City of Chicago (“the City”), by and through its attorney, Celia Meza, Corporation Counsel for the City, moves to partially dismiss the First Amended Complaint pursuant to Fed. R. Civ. P. 12(b)(6). The grounds for this motion are as follows:

1. Plaintiff alleges he was the subject of discrimination and retaliation when the Chicago Police Department (“CPD”) did not hire him for the position of probationary police officer (“PPO”) in April 2016. (Pl. First Am. Compl., ECF No. 7, ¶6).

2. Plaintiff alleges the City violated: 1) Title VII of the Civil Rights Act of 1964 (“Title VII”) for race discrimination and Plaintiff’s equal protection rights for race under the Fourteenth Amendment 42 U.S.C. § 1983 (“§ 1983”) (Count I); 2) Title VII for national origin discrimination (Count II); 3) Title VII for religious discrimination (Count III); and 4) “retaliation” (Count IV). (*Id.* ¶¶36-62).

3. The equal protection claim under Count I should be dismissed as Plaintiff fails to allege a basis for municipal liability.

4. Count IV should be dismissed as Plaintiff fails to state a claim for retaliation since he did not engage in a protected activity.

5. The Title VII race claim under Count I, and Count IV should be dismissed as Plaintiff failed to exhaust these claims before the EEOC.

For these reasons as more fully set forth in the accompanying Memorandum of Law, Defendant City of Chicago respectfully requests Counts I and VI to be dismissed with prejudice pursuant to Fed. R. Civ. P. 12(b)(6).

Dated: February 10, 2022

Respectfully submitted,

CELIA MEZA
Corporation Counsel of the City of Chicago

By: /s/ John M. Catalano, Jr.

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